

**DECLARATION OF RYAN S. HILBERT**

I, Ryan S. Hilbert, declare:

1. I am an attorney duly admitted to practice before this Court. I am a Special Counsel with the law firm of Sheppard Mullin Richter & Hampton, LLP, counsel for Defendant and Counterclaimant Summit Entertainment, LLC (“Summit”).

2. Attached hereto as **Exhibit A** is a true and correct copy of the proof of service demonstrating personal service on Counterdefendant Alec Chase on May 2, 2012. This document was filed with the Court on or around May 16, 2012. (Docket No. 60.)

3. To date, neither Alec Chase, nor anyone representing Mr. Chase has contact with Summit's counsel or Summit's local counsel to ask for an extension of time to respond to the Counterclaim.

I declare under penalty of perjury under the laws of the United States of America and the State of California that the foregoing is true and correct.

Executed this 11th day of June, 2012 at Palo Alto, California.

/s/Ryan S. Hilbert/  
Ryan S. Hilbert

## **EXHIBIT A**

**UNITED STATES DISTRICT COURT**  
 for the  
**NORTHERN DISTRICT OF OHIO**  
**Western Division**

<u>Matthew Smith, pka Matt Heart</u>	)	
<i>Plaintiff</i>	)	
v.	)	Civil Action No. 3:11-CV-00348
<u>Summit Entertainment, LLC</u>	)	
<i>Defendant</i>	)	
Summit Entertainment, LLC	)	
<i>Counterclaimant</i>	)	
v.	)	
<u>Matthew Smith, pka Matt Heart and Alec Chase</u>	)	
<i>Counterdefendants</i>	)	

**SUMMONS IN A CIVIL ACTION**

To: (Counterdefendant's name and address)

**Alec Chase**  
**2005 South Main Street**  
**Findlay, OH 45840**

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on Counterclaimant an answer to the attached Counterclaim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the Counterclaimant's attorney, whose names and addresses are:

Janine T. Avila (0055853)  
 Adam S. Nightingale (0079095)  
 CONNELLY, JACKSON & COLLIER LLP  
 405 Madison Avenue, Suite 2300  
 Toledo, Ohio 43604  
 Telephone: (419) 243-2100  
 Facsimile: (419) 243-7119  
 javila@cjc-law.com  
 anightingale@cjc-law.com

*Counsel for Defendant and Counterclaimant*  
 Summit Entertainment, LLC

Jill M. Pietrini (*pro hac vice*)  
 Ryan S. Hilbert (*pro hac vice*)  
 SHEPPARD, MULLIN, RICHTER & HAMPTON LLP  
 1901 Avenue of the Stars, 16th Floor  
 Los Angeles, CA 90067  
 Telephone: (310) 228-3700  
 Facsimile: (310) 228-3701  
 jpietrini@sheppardmullin.com  
 rhilbert@sheppardmullin.com

*Counsel for Defendant and Counterclaimant*  
 Summit Entertainment, LLC

Date: April 30, 2012

s/ Dianne Gowing

*Signature of Clerk or Deputy Clerk*



Civil Action No.

## PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for (name of individual and title, if any) Alec Chase  
 was received by me on (date) 4/31/2012

I personally served the summons on the individual at (place) 2005 S Main St  
Findlay, OH 45840 on (date) 5/2/2012; or

I left the summons at the individual's residence or usual place of abode with (name) \_\_\_\_\_  
 \_\_\_\_\_, a person of suitable age and discretion who resides there,  
 on (date) \_\_\_\_\_, and mailed a copy to the individual's last known address; or

I served the summons on (name of individual) \_\_\_\_\_, who is  
 designated by law to accept service of process on behalf of (name of organization) \_\_\_\_\_  
 on (date) \_\_\_\_\_; or

I returned the summons unexecuted because \_\_\_\_\_; or

Other (specify): \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00

I declare under penalty of perjury that this information is true.

Date: 5/2/2012


Server's signature

Rusty Vaughn server/courier

Printed name and title

2680 Arbors PKWY S #50

Server's address

Swift Attorney Service

500 Allerton St., Suite 105, Redwood City, CA 94063

Additional information regarding attempted service, etc.

I acknowledge I am in receipt of these documents presented to me by the process server.

✓  
\_\_\_\_\_  
SIGNATURE

5/2/12  
\_\_\_\_\_  
DATE

Alec Chase  
\_\_\_\_\_  
PRINTED NAME

Deputy  
\_\_\_\_\_  
TITLE

Description

Name of person served Alec Chase Date 5/2/12

Time served: 6:30 p.m.

Description:

M  White Skin  
 F  Black Skin  
  Yellow Skin  
  Brown Skin  
  Red Skin

Black Hair  
 Brown Hair  
 Blonde Hair  
 Grey Hair  
 Red Hair

18-20 Yrs.  
 21-35 Yrs.  
 36-50 Yrs.  
 51-65 Yrs.  
 Over 65

Glasses?  Y  N

Approximate Height: 5'10"

Approximate Weight: 275